

Application Serial No. 09/782,681

**REMARKS**

1. Applicant thanks the Examiner for his findings, conclusions, and for pointing out the allowability of Claims 15-29, 31, 32, 35, 36, and 38-41.

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2. It should be appreciated that Applicant has elected to amend Claims 1, 30, 33, and 37 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

3. Claims 1-3, 8-11, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,029,154 (hereinafter "Pettitt").

**Claim 1**

As to Claim 1, the Applicant respectfully disagrees. Claim 1 requires weighting each profile with a weight indicating a degree to which the profile is associated with the current purchaser. It is agreed that Pettitt teaches weighting. However, the weighting taught by Pettitt is distinct from the weighting of Claim 1 as described herein. The Examiner cites Pettitt at column 3, lines 17-18 and at column 3, line 55-59 as teaching weighting. In Pettitt, the different parameters are weighted based upon the criticality of the parameter. Pettitt gives two examples in column 3, lines 17-28. A first example is weight the parameter of dollar amount more heavily. A second example weight more heavily an internet verification parameter. Thus in Pettitt the parameters, such as a dollar amount parameter and/or an internet verification parameter, are weighted according to

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the criticality of the parameter. In stark contrast, the claimed weight is associated with the purchaser, not with the parameter. Particularly Claim 1 requires weighting each profile with a weight indicating a degree to which the profile is associated with current purchaser. Thus, while Pettitt picks a parameter to

5 weight, the weight is to a parameter while in the claimed invention weights are associated with a purchaser's profile. A purchaser's profile is distinct from a parameter such as a dollar amount. Further, Claim 1 requires weighting each profile where a profile of a historical transaction is associated with a key. Pettitt

10 provides no suggestion of using the purchaser's profile for a plurality of keys to establish a weight for each profile based upon the profiles association with the current purchaser. Accordingly, the rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being unpatentable over Pettitt is deemed to be improper.

15 Applicant amends Claim 1 to further distinguish Claim 1 from the cited art by incorporating a step of generating a contrast measure using at least two of the profiles, where a profile is associated with each key. Applicant further clarifies that the step of generating a fraud score uses the generated contrast measure. Support for the amendment is found in the Application as filed at least within

20 allowed Claim 15 and at page 16, lines 1-5. Accordingly, the rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Pettitt is deemed to be overcome.

4. Claims 4-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable

25 over Pettitt in view of U.S. patent no. 6,282,658 (hereinafter "French").

In view of the above described amendment to parent Claim 1, the current rejection of dependent Claims 4-7 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt is rendered moot.

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5. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of U.S. patent publication no. 2001/0032192 A1 (hereinafter "Putta").

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In view of the above described amendment to parent Claim 1, the current rejection of dependent Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt is rendered moot.

10 6. Claims 30, 37, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of French.

**Claim 30**

15 In order to distinguish Claim 30 from the cited art, Applicant amends Claim 30 to require the scoring system to use a summary variable in generation of the fraud score. Support for the amendment is found in the Application as filed at least within allowed Claim 31 and at page 15, lines 25-30. As described at page 15, lines 25-30, summary variables are generated from transactions within a profile. Pettitt does not describe a variable that summarizes transactions within a profile.

20 Accordingly, the rejection of Claim 30 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of French is deemed to be overcome.

**Claim 37**

25 In order to distinguish Claim 37 from the cited art, Applicant amends Claim 37 to require the scoring system to use a contrast measure in generation of the fraud score. Support for the amendment is found in the Application as filed at least within allowed Claim 31 and at page 16, lines 1-5. As described in the

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Application at page 16, lines 3-5, a contrast measure provides a measure of how similar two or more profiles are to each other and thus how reliable they are in describing the buyer's transactions. Pettitt does not teach or describe a contrast variable that measures similarity between two or more profiles. Accordingly, the rejection of Claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of French is deemed to be overcome.

7. Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan.

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Applicant amends Claim 33 in order to further distinguish Claim 33 from the cited art by further clarifying the statistical model as being a model built in a supervised learning environment. Support for the amendment is found in the application as filed at least at page 17, 7-8; page 7, line 28 to page 29, line 3; and page 11, lines 1-11. The cited sections of Pettitt and Gopinathan do not teach a statistical model built in a supervised learning environment. Accordingly, the rejection of Claim 33 and all claims dependent therefrom under 35 U.S.C. § 103(a) as being unpatentable over Pettitt in view of Gopinathan is deemed to be overcome.

8. New Claims 43-49 are added to the Application. Support for new Claim 43 is found in the Application as filed at least within allowed Claim 31 and at page 16, lines 1-5. Support for new Claim 44 is found in the Application as filed at least within allowed Claim 31 and at page 15, lines 25-30. Support for new Claim 45 is found in the Application as filed at page 15, line 21. Support for new Claim 46 is found in the Application as filed at least at page 8, lines 18-19. Support for new Claim 47 is found in the Application as filed at least at page 17, lines 17-19. Support for new Claim 48 is found in the Application as filed at least at page 17, lines 7-8. Support for new Claim 49 is found in the Application as

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filed at least at page 20, lines 10-11. Applicant certifies that no new matter is added to the Application by way of the new claims.

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**CONCLUSION**

In view of the above, the Application is deemed to be in allowable condition. Applicant therefore earnestly requests the Examiner to withdraw all objections and rejections, permitting the Application to pass to issue as a United States  
5 Patent. Should the Examiner have any questions concerning the Application, he is urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

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